

## PLANNING COMMISSION

September 24, 2008

### Meeting Report

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#### **ROLL CALL**

PRESENT: Commissioners Campos, Do, Jensen, Kalra, Kamkar, Platten, Zito

ABSENT: None

#### **1. DEFERRALS**

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- a. **CP07-094**. Conditional Use Permit to allow an entertainment establishment and operation until 2:00 a.m. at an existing legal non-conforming restaurant/bar (Mexico Lindo) on a 0.3 gross acre site in the LI Light Industrial Zoning District, located on the northwest corner of Monterey Road and Bellevue Avenue (1593 MONTEREY RD)(Everardo and Olivia Valencia, Owner). Council District 7. SNI: Washington. CEQA: Exempt. Deferred from 09/10/08. *PROJECT MANAGER, S.MALLICK*

**DROPPED (7-0-0)**

- b. **CP08-013**. Conditional Use Permit to allow religious assembly use in a 5,000 square feet portion of an existing light industrial building, on a 0.80 gross acre site in the LI-Light Industrial Zoning District, located at 2586 Seaboard Avenue, (Temothy C Cho and Hee O Cho Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**DEFERRED TO 10/08/08**

#### **2. CONSENT CALENDAR**

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- a. **CP08-003**. Conditional Use Permit to allow the demolition of a single-family house and construction of a parking lot for an existing religious assembly use on a 0.34 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of McCreery Avenue, approximately 450 feet southerly of Alum Rock Avenue (87 McCreery Avenue)(General Conference of the Church, Owner). Council District 5. SNI: Mayfair. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

**APPROVED (7-0-0)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

- b. **CP08-005**. Conditional Use Permit to allow demolition and reconstruction of a gasoline service station with 24-hour operation and off-sale of alcoholic beverages on a 0.55 gross acre site in the CP Pedestrian Commercial Zoning District, located at/on northwest corner of Cherry Avenue and Almaden Expressway (4995 Almaden Ex)(BP West Coast Prods LLC, Owner). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**APPROVED (7-0-0)**

- c. **CP08-053**. Conditional Use Permit to allow a social services agency (adult day program/training) in an existing 12,600 square foot industrial building on a 3.7 gross acre site, in the IP Industrial Park Zoning District, located at 980 Rincon Circle (Han Cong and Diem Thi Nguyen, owners). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**APPROVED (7-0-0)**

- d. **CP08-065**. Conditional Use Permit to allow a weekday pre-school and daycare for up to 20 children in a portion of an existing religious assembly building on a 2.0 gross acre site in the R-1-8(PD) Planned Development Zoning District, located at 7269 Santa Teresa Boulevard (St. Stephens in the Field, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, C.BURTON*

**APPROVED (7-0-0)**

*(Pulled from Consent by resident)*

### **3. PUBLIC HEARINGS**

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- a. **STRONG NEIGHBORHOODS INITIATIVE WEST EVERGREEN NEIGHBORHOOD IMPROVEMENT PLAN AMENDMENT**. Review and recommendation to the City Council. Council Districts 7 & 8. SNI: West Evergreen. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045. *PROJECT MANAGER, P.SHAFFER*

**RECOMMENDED APPROVAL (7-0-0)**

- b. **Certification of Final Environmental Impact Report (EIR)** prepared for a proposed Planned Development permit (File No. PD07-008) to demolish the San José Medical Center. The project would include the demolition of ten existing buildings (many attached), totaling approximately 339,000 square feet that comprise the San José Medical Center, located at 675 East Santa Clara Street in central San José. All ten buildings would be demolished as part of the proposed project, with the exception of an approximately 5,400 square foot portion of Building 800.

**CERTIFIED EIR (7-0-0)**

- c. **HA05-037-02.** APPEAL of the Planning Director's decision to approve a Site Development Permit Amendment to extend construction hours to 9:00 p.m., Monday through Friday, on a project site located on the northeast corner of Market Street and San Salvador Street (360 S Market St.) in the DC Downtown Primary Commercial Zoning District, (City of San Jose Redv Agcy, Mesa Sofa Partners, LLC Mr Richard Shields, Owner; MESA SOFA PARTNERS, LLC MR RICHARD SHIELDS, Developer). Council District 3. SNI: N/A. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

**ACCEPTED APPELLANT'S WITHDRAWAL OF THE APPEAL,  
ALLOWING THE DIRECTOR'S DECISION TO APPROVE TO STAND  
(7-0-0)**

- d. **SP08-041.** APPEAL of the Planning Director's decision to deny a Special Use Permit for 24-hour use for an existing restaurant on a 0.29 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at the 345 South 4th Street (Joaquim A And Maria D Alvarez Trustee, Owner). Council District 3. SNI: University. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

**UPHELD APPEAL AND APPROVED WITH HOURS OF OPERATION  
FROM 6:00 A.M. TO 2:00 A.M. DAILY, TWO SECURITY GUARDS  
BETWEEN 10:00 P.M. TO 3:00 A.M. IF OPERATING PAST MIDNIGHT  
ON THURSDAY, FRIDAY, AND SATURDAY NIGHTS, AND ONE YEAR  
COMPLIANCE REVIEW. DEFERRED TO 10/08/08 FOR  
PREPARATION OF THE RESOLUTION (6-1-0; JENSEN OPPOSED)**

- e. **PROPOSED TITLE 20 CHANGE TO STREAMLINE THE HEARING PROCESS**  
*(Deferred from 09/10/08)*

**RECOMMENDED TO SUMMARIZE AND FORWARD ALL COMMENTS  
BY COMMISSION; RECOMMENDED COUNCIL BETTER DEFINE  
"TIME SENSITIVE"; APPOINTED COMMISSIONER PLATTEN TO  
SPEAK ON BEHALF OF THE COMMISSION AT RULES COMMITTEE  
MEETING. (7-0-0)**

#### **4. PETITIONS AND COMMUNICATIONS**

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Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- 1) Responding to statements made or questions posed by members of the public; or
- 2) Requesting staff to report back on a matter at a subsequent meeting; or
- 3) Directing staff to place the item on a future agenda.

*None*

## **5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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*None*

## **6. GOOD AND WELFARE**

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- a. Report from City Council
  - *Dove Hill GPA – recommended continue to process.*
  - *Meridian/San Carlos Zoning Approved*
- b. Commissioners' Report from Committees:
  - (1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).  
*Next meeting Monday, November 10<sup>th</sup>.*
  - (2) Envision San José 2040 General Plan Update Process (Kamkar).  
*Next meeting Monday, September 29<sup>th</sup>.*
- c. Review of synopsis for 09/10/08.  
*Approved (7-0-0)*
- d. Consider Study Session dates and/or topics.
  - ✧ *24-Hour uses and issues in Downtown*
  - ✧ *Vasona Park II*
  - ✧ *Joint Study Session with Historic Landmarks Commission*
  - ✧ *Semi-Annual joint sessions with Parks Commission*
- e. Consider the recommendation of the staff from Parks, Recreation and Neighborhood Development that the Planning Commission transmit to the City Council a letter of support to:  
*(Deferred from 09/10/08).*
  - 1) Endorse the adjustment of the Parkland In-Lieu Fees to reflect 100% of the land values in the 2007 Residential Land Value Study, and  
*Approved (7-0-0)*
  - 2) Endorse the implementation date of February 1, 2009 for 2007 Revised Parkland In-Lieu Fees to go into effect.  
*Approved (7-0-0)*

## **ADJOURNMENT**